

## REMARKS/ARGUMENTS

### 1. The Office Action

In the above-mentioned Office Action, claims 19-25, 27-46, 48, 57-58, 61-62, 67, 71-72, and 75-77 were rejected as being anticipated by La Mers (4,454,180); claims 19-64, 67-72 and 75-78 were rejected as being unpatentable over La Mers; and claims 65-66 and 73-74 were found to contain allowable subject matter.

The allowance of claims 65-66 and 73-74 is acknowledged with appreciation. These claims remain in the subject application.

In response to the Office Action, claims 19, 28, 44-46, 50, 52, 66, 67, 69, 75, and 77 have been amended, claims 30-43, 51, 53, 76, have been cancelled without prejudice or disclaimer, and new claims 79-91 have been added.

### 2. Patentability of Claims

Brief discussions of the patentability of each of the independent claims follow.

Claim 19 includes a weakened line segment extending through the facestock sheet but not through the liner sheet.

Claim 44 includes the first line segment and the second line segment spaced from the label. This spacing can be seen, for example, by reference numeral 200 in FIG. 1.

Claim 50 includes an end of the first weakened line segment closest to the label being spaced a distance therefrom. Again, this is shown, for example, by reference numeral 200 in FIG. 1.

Claim 57 includes a second line being spaced from and generally parallel to the first line. These two lines are shown, for example, by reference numerals 210 and 148 in FIG. 1.

Claim 65 has been allowed.

Claim 67 includes the liner sheet having no cut or weakened lines directly beneath the label.

Claim 69 includes the line segments not penetrating into the liner sheet.

Claim 73 has been allowed.

Claim 75 includes die-cut line segments spaced from the labels. Again, the Examiner's attention is directed to reference numeral 200.

Claim 77 includes the second line being spaced from and parallel to the first line. Again, this is shown by, for example, reference numerals 148 and 210.

Claim 84 includes the weakened line segments defining a line which is spaced from and parallel to the line defined by the centerpoints of the labels. This can be seen, for example, by line 148 in FIG. 1 being offset from the line defined by the centerpoints of the labels 140.

Claim 89 includes the third label being offset from the centerpoints of the first and second labels. This can be seen in FIG. 1. In contrast, La Mers shows all of the labels being aligned.

### **3. Discussion of La Mers**

The Examiner contends that ". . . the facestock comprises at least one third cut line therethrough but not through the liner sheet to form a third sheet label, with the weakening line extending between the second and third label . . ." is disclosed in La Mers. In La Mers the "cut" of which the Examiner speaks is positioned directly above the continuous cut in the liner described above, in such a manner as to form a cut that extends through the face and the liner. In column 9, line 15, La Mers states, "[t]he label strip 190 is identical with label strip 10 of FIG. 1, except that it includes a scrim or matrix 192 surrounding the labels 14b of the same material as labels 14b. The matrix 192 is die cut to form separation lines 194 around each label, and separation slits 196 which lie between the labels and over the separation lines 16b of the carrier strip 12b." (Emphasis added.) As noted, this continuous cut in the liner that separates the carrier into two carrier portions is a required element of La Mers. This liner cut is clearly shown in FIG. 19, which is the underside view of FIG. 18. In FIG. 16, this liner cut is notated as element 16b; and upon close examination of FIG. 18 and FIG. 19, it is also clearly visible as being coincident with the face cut referred to by the Examiner.

The function of the "cut" is further described in La Mers beginning in Column 9, line 21. "In a typical prior art process for the production of labels 14b, the labels are die cut from a strip of label material, with the cutting lines separating the strip of label material into label areas forming the labels 14b and a matrix area forming the matrix 192. Heretofore, the matrix area 192 had to be removed from around the labels 14b prior to packaging and selling the labels, because of the way labels were separated from the carrier web, i.e., bending the web around a sharp curve, around which the label would not follow. If the matrix material is left in place, because of the presence of fine bridging filaments of paper or adhesive between label and matrix material, which are still present despite die cutting, the label will not consistently separate or peel away from the carrying web. By utilizing the label strip 190 with the matrix 192 left on the carrier strip, the cost of the labels can be reduced since the cost of the matrix removal is eliminated and the matrices can be made thinner and of thinner paper stock, as can labels. The matrix 192, which is separated into two portions by the separation slits 196, is pulled apart by the separation apparatus of the present invention, with each half of the matrix such as 192a, 192b moving with the carrier strip portion under it around the edges of the separation plate." (Emphasis added.)

The cut facilitates separation of the matrix into two separate strips attached to the liner strips during label dispensing utilizing the apparatus described in La Mers. This function is distinct from the function of the cut lines in the present invention.

The present invention is dissimilar in both form and function to La Mers. With regard to form, unlike La Mers, the present invention has no cut under the label or under the cut that is outside of the label. The La Mers cut must intersect the label in order to function properly, while the cut in the present invention would, in the preferred embodiment, be separated from the label by a short section of uncut material. The La Mers cut typically is positioned centrally with regard to the label, while the cut of the present invention is typically positioned off center.

With regard to function, La Mers functions by separating the label material at the cut in a special apparatus to automatically dispense the labels. In contrast, the present invention is adapted to be manually bent to form a bend at the cut to facilitate hand

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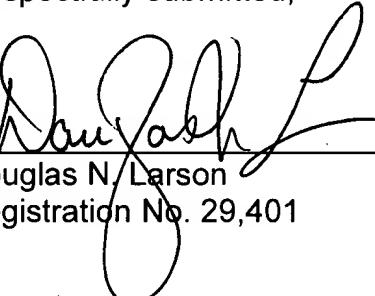
removal of the label, utilizing the rigidity of the label material to overcome the adhesion of the label section that extends beyond the bend line.

**4. Concluding Remarks**

Accordingly, it is respectfully submitted that the subject application is in condition for allowance and early issuance of the Notice of Allowance is in order. If there are any remaining issues, the Examiner is encouraged to telephone counsel (at counsel's telephone number set forth below) to seek to resolve them.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, Applicants respectfully request that this paper be considered a petition therefor.

Respectfully submitted,

  
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